

# **Exhibit A – Harris County Physicians’ Letter**

March 20, 2020

Sheriff Gonzalez,  
County Judge Hidalgo,  
Commissioners Eliis, Garcia, Raddick, Cagle,  
Criminal District Court Judges,  
County Courts at Law,

We are physicians serving the people of Harris County, practicing in a variety of settings, from community-based clinics to large referral hospitals. We urge the County's leaders to take swift action *today* to avert the catastrophic loss of life that would result if and when the Harris County Jail becomes a vector for COVID-19.

As the people of Harris County band together and take extraordinary measures to combat the impending wave of COVID-19 cases, we are increasingly concerned about the thousands of patients confined in close quarters in the Harris County Jail and unable to comply with Centers for Disease Control recommendations for preventing the spread of COVID-19. Correctional facilities create optimal conditions for an infectious disease outbreak, as evidenced by the mumps scare in our very own jail just this past year. Universities across the state have recognized that dorms of students living in close quarters are too dangerous during the pandemic, yet the jail remains fully-housed. Unlike university dorms, which generally house some of society's healthiest members, jails house a disproportionate number of some of the country's most vulnerable populations - individuals with chronic diseases and the elderly - who are at the highest risk for life threatening complications from the virus. People in jail who are at lower risk for severe illness are unable to adhere to the Center for Disease Control's recommendations to prevent the spread of the virus - such as social distancing, hand washing, and self-quarantining - and therefore contribute to its propagation.

The signatories of this letter believe that all Texans deserve better health and equitable health care. No person--regardless of what he or she is accused or convicted of--deserves to be placed at higher risk of a life threatening illness, especially when reasonable prevention measures are available.

The Sheriff and other elected officials are responsible for the health and safety of *everyone* in Harris County. In the setting of the COVID-19 pandemic, the Harris County Jail is a ticking time bomb that has the potential to devastate the lives of inmates, jail personnel, and others throughout the entire Harris County community. The Sheriff, County Commissioners, and Judges must work immediately to reduce the jail population by thousands of people. Not doing so will undoubtedly lead to the spread of COVID-19 through the jail population, to all who interact with inmates (corrections officers, chaplains, attorneys, counselors, and other service providers) and beyond, increasing the morbidity and mortality of all people in Harris County.

The Sheriff, County Commissioners, and Judges should start with the following common-sense policies regarding those individuals who pose no safety risk in the community:

- Release all medically vulnerable people in the jail, including the following: patients with an advanced chronic illness, an immunodeficiency (for example, those with HIV or receiving immunosuppressant medication), as well as anyone else recommended for release by a medical professional;
- Release anyone 60 or over;
- Release a sufficient number of inmates to guarantee the jail can accommodate adequate social distancing guidelines set forth by the CDC. To do this, we recommend releasing those unable to pay bond prior to trial; and
- Anyone remaining in the jail should be given uninhibited access to free medical care, available testing, and adequate sanitation practices that comply with CDC recommendations.

While it is crucial to release those who are medically vulnerable and at risk of serious complications, officials cannot stop there. Releasing only those at risk of complications from COVID-19 will have only a minor effect on spread of the illness in the close quarters of the jail. Numbers must be reduced in a significant way so inmates can adhere to CDC recommendations. We firmly believe that these measures will protect all residents of Harris County, and allow us to do our part to flatten the curve of infection. Judge Hidalgo, Sheriff Gonzalez, and the Commissioner's court have shown encouraging signs of leadership on this issue. We hope that the larger Harris County criminal legal bureaucracy, including judges presiding over felony cases, can meet this emergency with the urgency it requires.

Time is of the essence. These important, life-saving steps must be taken immediately.

Sincerely,

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Internal Medicine

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Co-President, Doctors for Change  
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Psychiatry, Forensic Psychiatry, Brain Injury Medicine



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Harris Health System  
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Hon. Herb Ritchie  
Harris County Civil Courthouse  
201 Caroline, 11th Floor  
Houston, Texas 77002

Dear Hon. Judge Ritchie and the Criminal District Court Judges,

I strongly urge you to consider releasing defendants in the Harris County Jail who are charged with non-violent offenses. For the reasons below, it is important to prioritize inmates who are over 60 years of age or have pre-existing conditions such as cancer, diabetes, asthma / chronic obstructive pulmonary disease, heart disease, or HIV.

The Harris County Jail and other large correctional facilities pose a real and immediate danger to the health of the community. An even limited outbreak of COVID-19 in the Harris County Jail has the potential to overwhelm our already overburdened hospital system. If this happened--and the likelihood is high--it could leave many vulnerable people in our community without access to care.

According to the Centers for Disease Control, older adults and people with serious chronic medical conditions like heart disease, diabetes, and lung disease are at higher risk of getting very sick from COVID-19. On average, the people housed in our prisons and jails are older and more likely to suffer from poor physical health and illness as compared with the general public, which means they are exactly the type of high-risk group that will fall very sick if they come into contact with COVID-19.

To make matters worse, the concept of social distancing is nearly impossible in a setting like the Harris County Jail, which had a population of around 8,500 inmates as of March 19, 2020. The ability to quarantine is similarly impossible with inmates getting booked in and out of the jail on a daily basis. Once they are brought into the jail, many are housed in dormitory settings of between 20 to 60 people. This leaves little space to social distance or quarantine effectively.

The question of whether there will be a COVID-19 case in the Harris County Jail is currently a matter of when. If we do not reduce the population in the Harris County Jail substantially, and in very short order, we risk creating a concentrated outbreak, which would not only be a tragedy in itself but also have the compounding effect of leaving fewer beds for other members of our community who may also need hospitalization during this time.

Sincerely,

Esmaeil Porsa, M.D., MBA, MPH, CCHP-A

March 24th, 2020

To whom it may concern:

As physicians that have worked in both the Harris County Jail clinic and in the county system taking care of admitted jail patients, we are deeply concerned about the inevitability of the SARS-CoV-2 virus entering the jail and causing a massive outbreak. As the virus has already spread throughout our community, steps must be taken immediately to remove vulnerable patients from the jail, and massively decrease the population so as to limit its spread. The evidence that jails are at high risk for outbreaks is clear, as seen in our own community with the Mumps outbreak in the jail last year. The close quarters and constant churn of jails, with the cycling of new arrestees and staff multiple times a day makes them petri dishes for infections, especially those which take several days to manifest symptoms, like the current coronavirus. Social distancing is impossible, uncovered toilets can spread disease with every flush, there is limited access to sinks and soap for frequent handwashing, and health services are not equipped for acute, severe illness.

The jail is full of populations that are at a higher risk of severe complications, including death, from this virus. The elderly, those with poor immune systems, and those with chronic illness are all housed in significant numbers. We have taken care of patients over the age of 70, some who were fairly disabled. It's not just the elderly, we have cared for young people with chronic illnesses, such as sickle cell and HIV, both syndromes that place them within extreme risk for a terrible COVID19 course. Chronic lung disease (such as COPD), heart failure, end stage renal disease and cirrhosis are all very common among the jail population and are constantly admitted to our hospital. The jail clinic is limited to the chronic maintenance of these conditions, and in no way can handle acute illness. An outbreak would cause a surge of hospital referrals, which would overwhelm a system that is not equipped for a surge from the community. We have had numerous elderly patients over last year referred to Ben Taub for complications from severe and chronic illnesses. The reasons they were in jail were fairly minor and their release would pose no safety risk. We can't fathom how it benefits anyone for them to remain incarcerated during this time.

Just releasing those at high risk is still not enough. Multiple reports from multiple locations have shown that the young are at risk of severe illness beyond what was

originally though. Should an outbreak affect only 10% of the jail population (a conservative number), and only 10% of those patients have severe illness requiring hospitalization (another conservative number), then that's still a surge of more than 70 patients requiring admission, far beyond what the county hospitals can handle.

Our clinical settings are currently depending on community partners to donate personal protective equipment (PPE), something that we could not have imagined happening in the largest medical center in the world. Containing a jail outbreak would ineffectively redistribute valuable PPE, which would be much better served protecting techs, nurses, and physicians in hospitals. There needs to be a large, significant release, as we have seen in other cities. Small measures will make no appreciable difference, and moving people to other facilities will only make matters worse

In Harris County, we still have time. We're early enough in our infection curve that bold moves can still have an appreciable impact. There are currently 4 (at least) HSCO deputies with confirmed COVID-19 infections, and the numbers county-wide continue to grow exponentially every day - from just under 200 this morning (3/24) to almost 300 by the end of the day.

We are extremely proud of the decisions our leadership has made which have undoubtedly helped to slow the spread of the virus through our community. The stay-in-place order was the right thing to do, but more remains to be done. If we wait, or simply perform half measures, we will have an absolute disaster on our hands.

Marc Robinson, MD  
Co-President, Doctors for Change

Amelia Averyt, MD MPH  
Co-President, Doctors for Change